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EXAMINER	
NGUYEN, LE V	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/645,871	PETERS ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 11/24/04.

2. Claims 15-69 are pending in this application. Claims 15, 21, 27, 33, 39, 45, 48, 51, 63, 65, 67 and 68 are independent claims; and, claims 15, 21, 27, 33, 39, 45, 65, 67 and 68 have been amended. Claims 31-33, 49-52 and 61-64 are missing or have missing portions. The examiner will revert to the previous amendment in treating these missing claims/claim portions.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: path 58, line 28 of page 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 21 and 34 of fig. 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply

to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 67 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 67 and 68 recite the limitation "the 36 alphanumeric keys" in lines 3 and 5 of claim 67 and lines 4, 7 and 9 of claim 68. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. Claims 51-55, 63, 64, 67 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by *Video editing and Post Production: A Professional Guide 2d ed.* by Gary Anderson.

Claim 51:

Anderson teaches a random access computer readable medium for storing video information in one or more data files in a computer file system (p. 66). Anderson teaches a standard alphanumeric keyboard (p. 68 and 69). Anderson teaches a display (p. 66). Anderson teaches a computing apparatus operative in response to user input to

perform editing operations on the video information (p. 67). Anderson teaches an operative in response by input to display video information from the one or more data files on the display (p. 66). Anderson teaches a computing apparatus operative in response to user input to perform editing operations on the video information (p. 67). These windows demonstrate editing operations. Anderson teaches an operative in response to the user input to display video information from the one or more data files on the display (p. 66). Anderson teaches a first of four keys for trimming a plurality of frames in a reverse direction (p. 68 and 69). Anderson teaches a second of four keys for trimming one frame in a reverse direction (p. 68 and 69). Anderson teaches a third of the four keys being trimmed one frame in a forward direction (p. 68 and 69). Anderson teaches a fourth of the four keys being for trimming a plurality of frames in a forward direction (p. 68 and 69).

Claim 52:

Anderson teaches the first key being a key that corresponds to an "M" key in a QWERTY keyboard layout, the second key being a key that corresponds to a "<" key in a QWERTY keyboard layout, the third key being a key that corresponds to a ">" key in a QWERTY layout, and the fourth key being a key that corresponds to a "/" key in a QWERTY keyboard layout (p. 68 and 69).

Claim 53:

Anderson teaches the first key bearing a label indicative of a function for reverse trimming of a plurality of frames (p. 68 and 69). Anderson teaches the second key also bearing a label indicative of a function for reverse trimming of one frame (p. 68 and 69).

Anderson teaches the third key bearing a label indicative of a function for forward trimming of one frame (p. 68 and 69). Anderson teaches a fourth key bearing a label indicative of a function for forward trimming of a plurality of frames (p. 68 and 69).

Claim 54:

Anderson teaches a computing apparatus operative in response to signals from a set of three adjacent keys from the standard alphanumeric keyboard to select a mode of a transition (p. 68 and 69). Anderson teaches a first of three keys selecting trimming of a clip prior the transition (p. 68 and 69). Anderson teaches the three keys selecting trimming of clips both before and after the transition (p. 68 and 69). Anderson teaches a third of the three keys selecting trimming of a clip after the transition (p. 68 and 69).

Claim 55:

Anderson teaches a computing apparatus operative in response to signals from a set of three adjacent keys from the standard alphanumeric keyboard to select a mode of a transition (p. 68 and 69). Anderson teaches a first of three keys selecting trimming of a clip prior the transition (p. 68 and 69). Anderson teaches the three keys selecting trimming of clips both before and after the transition (p. 68 and 69). Anderson teaches a third of the three keys selecting trimming of a clip after the transition (p. 68 and 69).

Claim 63:

Anderson teaches an apparatus operative in response to signals from a set of three adjacent keys from a standard alphanumeric keyboard to control shuttling of playback of video information (p. 68 and 69). Anderson teaches storing one or more data files on a random access computer readable medium in a computer file system (p.

68 and 69). Anderson teaches displaying at a shuttle speed and in a shuttle direction, such that a first of three keys is for forward shuttling (p. 68 and 69). Anderson teaches a second of three keys for pausing (p. 68 and 69). Anderson teaches a third of thee keys is for reverse shuttling wherein multiple actuations of at least one of the first and third keys causes a change in the shuttle speed in the shuttle direction corresponding to the actuated key (p. 68 and 69).

Claim 64:

Anderson teaches the shuttle speed being increments corresponding to a frame per second rate of the video information (p. 68 and 69).

Claims 67 and 68:

Anderson teaches a random access computer readable medium for storing video information in one or more data files in a computer file system (p. 66). Anderson teaches a display (p. 66). Windows displays require a display device. Anderson teaches a standard alphanumeric keyboard (p. 68 and 69). Anderson teaches a computing apparatus operative in response to user input to display video information form the one or more data files on the display (p. 68 and 69). Anderson teaches the operative in response to signals from a first set of keys on a left hand side of a standard alphanumeric keyboard with 36 alphanumeric keys to control marking operations on the video information and operative in response to signals form a second set of keys on a right hand side of the standard alphanumeric keyboard to control shuttling of playback of the video information (p. 68 and 69). Anderson teaches an operative in response to

signals from a third set of keys on the right hand side of the standard alphanumeric keyboard to control trimming of the marked video information (p. 68 and 69).

Claim Rejections - 35 USC § 103

9. Claims 15–47, 56-62, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Video Editing and Post Production: A Professional Guide 2d ed.* by Gary Anderson in view of Mitsubishi Owner Manual.

Claim 15, 21, 27, 33, and 39:

Video Editing by Gary Anderson teaches a processor that requires software that requires a computer readable medium for storing computer code (p. 66). Anderson teaches a random access computer readable medium for storing video information in one or more data files in a computer file system (p. 66). The memory is a readable medium. Anderson teaches a computer system for playing a motion video (p. 66). The video editor inherently teaches a method for playing a motion video. Anderson teaches a video editing system (p. 69 – 71). Anderson teaches a display (p. 66). Anderson teaches a standard alphanumeric keyboard (p. 68). This keyboard is capable of inputting textual data. Anderson teaches a computing apparatus operative in response to user input to perform editing operations on the video information (p. 68). Further, Anderson teaches an operative in response to user input to display video information from one or more data files in a source video window in the display (p. 69). Anderson teaches an operative in response to user input for displaying results of the editing operations on the video information in an edited program window on the display (p. 69 -

71). Anderson teaches an operative in response to a signal from a key on the standard alphanumeric keyboard to select one of the source video windows and edited video window for display (p. 68). The display screen is a window for editing and providing source information. Anderson teaches an operative in response to signals from a set of three adjacent keys from the standard alphanumeric keyboard to control shuttling of playback of the video information from the one or more data files in the selected window at a shuttle speed and in a shuttle direction (p. 69). Anderson teaches the first of three keys being a forward shuttling key (p. 69). Anderson teaches a second of three keys being for pausing (p. 69). Anderson teaches a third of three keys being for reverse shuttling (p. 69). Anderson teaches multiple successive actuations of the first key causes a change in forward shuttle speed (pg. 69*; multiple successive actuations of a first key, "advance", along with activation of the "jog" function causes a change in the forward shuttle speed*) and multiple successive actuations of the third key causes a change in reverse shuttle speed (pg. 69; *multiple successive actuations of third key, "retard", along with activation of the "jog" function causes a change in the reverse shuttle speed*).

However, Anderson does not explicitly disclose a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes

images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed. Mitsubishi Owner Manual teaches a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed (fig. 1; pages 1-2; *elements 21-23 and respective portions of the description*). Therefore, it would have been obvious to an artisan at the time of the invention to include Mitsubishi Owner Manual's teaching of a first and third key having differing shuttle speed upon a second actuation to Anderson's teaching of a first and third key having a shuttle speed in order to provide users with variable shuttle speeds.

Claim 16, 22, 28, 34, and 40:

Anderson teaches a video editing system wherein the change in the shuttle speed is in increments corresponding to a frame per second rate of the source (p. 69).

Claim 17, 23, 29, 35, and 41:

Anderson teaches the standard alphanumeric keyboard having 36 alphanumeric keys disposed in a standard keyboard layout, and wherein the first of the three keys is a key that corresponds to "L" key in a QWERTY keyboard layout, the second of the three keys is a key that corresponds to a "K" key in a QWERTY keyboard layout and the third of the three keys is a key that corresponds to a "J" key in a QWERTY keyboard layout (p. 68 and 69).

Claim 18, 24, 30, 36, and 42:

Anderson teaches the third key also bearing a label indicative of a reverse shuttling function, wherein the second key also bears a label indicative of a pause function and wherein the first key also bears a label indicative of a forward shuttling function (p. 68 and 69).

Claim 19, 25, 31, 37, and 43:

Anderson teaches the standard alphanumeric keyboard having 36 alphanumeric keys disposed in a standard keyboard layout, and wherein the first of the three keys is a key that corresponds to "L" key in a QWERTY keyboard layout, the second of the three keys is a key that corresponds to a "K" key in a QWERTY keyboard layout and the third of the three keys is a key that corresponds to a "J" key in a QWERTY keyboard layout (p. 68 and 69).

Claim 20, 26, 32, 38, and 44:

Anderson teaches the third key also bearing a label indicative of a reverse shuttling function, wherein the second key also bears a label indicative of a pause

function and wherein the first key also bears a label indicative of a forward shuttling function (p. 68 and 69).

Claim 45:

Anderson teaches an alphanumeric keyboard for use with a computerized video editing system operative in response to signals from a set of three keys from the alphanumeric keyboard to control shuttling of playback of video information (p. 68 and 69). Anderson teaches one or more data files stored on a random access computer readable medium in a computer file system (p. 66). Anderson teaches a display at a shuttle speed and in a shuttle direction such that a first of the three keys is for forward shuttling (p. 68 and 69). Anderson teaches a second of three keys being for pausing, a third of the three keys is for reverse shuttling, a second of three keys is for pausing, a third of the three is for reverse shuttling (p. 68 and 69). Anderson teaches multiple actuations of at least one of the first and third keys causing a change in the shuttle speed in the shuttle direction corresponding to the actuated key (p. 68 and 69). Anderson teaches the alphanumeric keyboard (p. 68 and 69).

Furthermore, Anderson teaches the standard alphanumeric keyboard having 36 alphanumeric keys disposed in a standard keyboard layout, and wherein the first of the three keys is a key that corresponds to "L" key in a QWERTY keyboard layout, the second of the three keys is a key that corresponds to a "K" key in a QWERTY keyboard layout and the third of the three keys is a key that corresponds to a "J" key in a QWERTY keyboard layout (p. 68 and 69). Anderson teaches the third key bearing a label indicative of a reverse shuttling function (p. 68 and 69). Anderson teaches the

second key bearing a label indicative of a pause function (p. 68 and 69). Anderson teaches a second key bearing a label indicative of a pause function (p. 68 and 69). Anderson teaches first key bearing a label indicative of a forward shuttling function (p. 68 and 69). Stop is a type of pause while play is a type of forward shuttling function.

However, Anderson does not explicitly disclose a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed. Mitsubishi Owner Manual teaches a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a

change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed (fig. 1; pages 1-2; *elements 21-23 and respective portions of the description*). Therefore, it would have been obvious to an artisan at the time of the invention to include Mitsubishi Owner Manual's teaching of a first and third key having differing shuttle speed upon a second actuation to Anderson's teaching of a first and third key having a shuttle speed in order to provide users with variable shuttle speeds.

Claim 46:

Anderson teaches a random access computer readable medium for storing video information in one or more data files in a computer file system (p. 66). The software taught by Anderson requires a random access computer readable medium for storing video information in one or more data files in a computer file system. Anderson teaches a standard alphanumeric keyboard (p. 68). Anderson teaches a display (p. 66). Anderson teaches a computing apparatus operative in response to user input to perform editing operations on the video information (p. 66). These windows demonstrate editing operations. Anderson teaches an operative in response to the user input to display video information from the one or more data files on the display (p. 66). Anderson teaches an operative in response to signals from a set of four adjacent keys from the standard alphanumeric keyboard to control trimming of a selected transition in the video information (p. 68 and 69).

Furthermore, Anderson teaches a first of four keys for trimming a plurality of frames in a reverse direction (p. 68 and 69). Anderson teaches a second of four keys

for trimming one frame in a reverse direction (p. 68 and 69). Anderson teaches a third of the four keys being trimmed one frame in a forward direction (p. 68 and 69). Anderson teaches a fourth of the four keys being for trimming a plurality of frames in a forward (p. 68 and 69). Anderson teaches the first key being a key that corresponds to an "M" key in a QWERTY keyboard layout, the second key being a key that corresponds to a "<" key in a QWERTY keyboard layout, the third key being a key that corresponds to a ">" key in a QWERTY layout, and the fourth key being a key that corresponds to a "/" key in a QWERTY keyboard layout (p. 68 and 69). Anderson teaches the first key bearing a label indicative of a function for reverse trimming of a plurality of frames (p. 68 and 69). Anderson teaches the second key also bearing a label indicative of a function for reverse trimming of one frame (p. 68 and 69). Anderson teaches the third key bearing a label indicative of a function for forward trimming of one frame (p. 68 and 69). Anderson teaches a fourth key bearing a label indicative of a function for forward trimming of a plurality of frames (p. 68 and 69).

Claim 47:

Anderson teaches a computerized video editing system that further operates in response to signals from a set of three adjacent keys form the standard alphanumeric keyboards for selecting a mode of a transition, such that a first of three keys selects trimming of a clip prior to the transition (p. 68 and 69). Anderson teaches three keys selecting trimming of clips both before and after the transition (p. 68 and 69). Anderson teaches a third of the three keys selecting trimming of a clip after the transition (p. 68 and 69). Anderson teaches the first key bearing a label indicative of a function for

trimming of a clip prior to the transition (p. 68 and 69). Anderson teaches the second key bearing a label indicative of a function for trimming of clips both before and after the transition (p. 68 and 69). Anderson teaches the third key bearing a label indicative of a function for trimming of a clip after the transition (p. 68 and 69).

Claim 56:

Anderson teaches an operative in response to signals from a set of keys from the standard alphanumeric keyboard to control trimming of a selected transition in the video information (p. 68 and 69). Anderson teaches the first of the four keys being for trimming a plurality of frames in a reverse direction (p. 68 and 69). Anderson teaches a second of four keys being for trimming one frame in a reverse direction (p. 68 and 69). Anderson teaches a third of four keys being for trimming one frame in a forward direction (p. 68 and 69). Anderson teaches a fourth of four keys being for trimming a plurality of frames in a forward direction (p. 68 and 69).

Claim 57:

Anderson teaches the first key being a key that corresponds to an "M" key in a QWERTY keyboard layout, the second key being a key that corresponds to a "<" key in a QWERTY keyboard layout, the third key being a key that corresponds to a ">" key in a QWERTY layout, and the fourth key being a key that corresponds to a "/" key in a QWERTY keyboard layout (p. 68 and 69).

Claim 58:

Anderson teaches the first key bearing a label indicative of a function for reverse trimming of a plurality of frames (p. 68 and 69). Anderson teaches the second key also

bearing a label indicative of a function for reverse trimming of one frame (p. 68 and 69). Anderson teaches the third key bearing a label indicative of a function for forward trimming of one frame (p. 68 and 69). Anderson teaches a fourth key bearing a label indicative of a function for forward trimming of a plurality of frames (p. 68 and 69).

Claim 59:

Anderson teaches a computing apparatus operative in response to signals from a set of three adjacent keys from the standard alphanumeric keyboard to select a mode of a transition (p. 68 and 69). Anderson teaches a first of three keys selecting trimming of a clip prior the transition (p. 68 and 69). Anderson teaches the three keys selecting trimming of clips both before and after the transition (p. 68 and 69). Anderson teaches a third of the three keys selecting trimming of a clip after the transition (p. 68 and 69).

Claim 60:

Anderson teaches the first key bearing a label indicative of a function for trimming of a clip prior to the transition (p. 68 and 69). Anderson teaches the second key also bearing a label indicative of a function for trimming of clips both before and after transition (p. 68 and 69). Anderson teaches the third key also bears a label indicative of a function for trimming of a clip after the transition (p. 68 and 69).

Claim 61:

Anderson teaches a computing apparatus operative in response to signals from a set of three adjacent keys from the standard alphanumeric keyboard to select a mode of a transition (p. 68 and 69). Anderson teaches a first of three keys selecting trimming of a clip prior the transition (p. 68 and 69). Anderson teaches the three keys selecting

trimming of clips both before and after the transition (p. 68 and 69). Anderson teaches a third of the three keys selecting trimming of a clip after the transition (p. 68 and 69).

Claim 62:

Anderson teaches the first key bearing a label indicative of a function for trimming of a clip prior to the transition (p. 68 and 69). Anderson teaches the second key also bearing a label indicative of a function for trimming of clips both before and after transition (p. 68 and 69). Anderson teaches a third key bearing a label indicative of a function for trimming of a clip after the transition (p. 68 and 69).

Claim 65:

Anderson teaches an apparatus operative in response to signals from a set of three adjacent keys from a standard alphanumeric keyboard to control shuttling of playback of video information (p. 68 and 69). Anderson teaches storing one or more data files on a random access computer readable medium in a computer file system (p. 68 and 69). Anderson teaches displaying at a shuttle speed and in a shuttle direction, such that a first of three keys is for forward shuttling (p. 68 and 69). Anderson teaches a second of three keys for pausing (p. 68 and 69). Anderson teaches a third of thee keys is for reverse shuttling wherein multiple actuations of at least one of the first and third keys causes a change in the shuttle speed in the shuttle direction corresponding to the actuated key (p. 68 and 69).

However, Anderson does not explicitly disclose a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of

the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed. Mitsubishi Owner Manual teaches a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed (fig. 1; pages 1-2; *elements 21-23 and respective portions of the description*). Therefore, it would have been obvious to an artisan at the time of the invention to include Mitsubishi Owner Manual's teaching of a first and third key having differing shuttle speed upon a second actuation to Anderson's teaching of a first and third key having a shuttle speed in order to provide users with variable shuttle speeds.

Claim 66:

The modified Anderson teaches the shuttle speed being increments corresponding to a frame per second rate of the video information (Anderson: p. 68 and 69).

10. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Video editing and Post Production: A Professional Guide 2d ed.* by Gary Anderson in view of Mills et al. (US 5,202,961).

Claim 48:

Anderson teaches 36 alphanumeric keys and additional keys with typographical symbols disposed in a standard keyboard layout (p. 68 and 69). Anderson teaches a set of three adjacent keys including a first key bearing a label indicative of a reverse shuttling function (p. 68 and 69). Anderson teaches a second key bearing a label indicative of a pause function (p. 68 and 69). Anderson teaches a third key bearing a label indicative of a forward shuttling function (p. 68 and 69). Anderson does not explicitly disclose a first key to be on the user's left bearing a label indicative of a reverse shuttling function, a second/central key bearing a label indicative of a pause function and a third key on the user's right bearing a label indicative of a forward shuttling function. Mills teaches a first button to be on the user's left bearing a label indicative of a reverse shuttling function, a second/central button bearing a label indicative of a pause function and a third button on the user's right bearing a label indicative of a forward shuttling function (figs. 2-3). Therefore, it would have been obvious to an artisan at the time of the invention to include Mills arrangement of buttons

to Anderson's arrangement of keys in order to provide users with an additional and alternative arrangement in selecting functions.

Claim 49:

The modified Anderson teaches a set of four adjacent keys including a first key bearing a label indicative of a function for reverse trimming of a plurality of frames, a second key bearing a label indicative of a function for reverse trimming of one frame, a third key bearing a label indicative of a function for forward trimming of one frame (p. 68 and 69). Anderson teaches a fourth key bearing a label indicative of a function for forward trimming of a plurality of frames (Anderson: p. 68 and 69).

Claim 50:

Anderson teaches a set of three adjacent keys including a first key bearing a label indicative of a function for trimming a clip prior to the transition (p. 68 and 69). Anderson teaches a second key bearing a label indicative of a function for trimming clips both before and after the transition, and a third key bearing a label indicative of a function for trimming of a clip after the transition (p. 68 and 69).

11. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Video editing and Post Production: A Professional Guide 2d ed.* by Gary Anderson in view of Mills et al. (US 5,237,648).

Claim 69:

As per claim, although the modified Anderson teaches an alphanumeric keyboard for use with a video editing system (pp. 68-69), Anderson does not explicitly disclose including a timeline module operative to display a horizontal timeline on a

display, and wherein the timeline module is operative to move the timeline during shuttling. Mills teaches a timeline module operative to display a horizontal timeline on a display, and wherein the timeline module is operative to move the timeline during shuttling (fig. 2 *and respective portions of the specification*). Therefore, it would have been obvious to an artisan to include Mill's timeline module operative to display a horizontal timeline on a display, and wherein the timeline module is operative to move the timeline during shuttling to the modified Anderson's alphanumeric keyboard for use with a video editing system in order to provide users with an additional control that is indicative of a frame position in the video.

Response to Arguments

12. Applicant's argument(s) with respect to an amendment filed 11/4/04 has been considered but is moot in view of the new ground(s) of rejection, except for the following.

Applicant argued the following:

(a) The Anderson configuration does not allow the user to easily operate the TRIM and MARK functions with different hands.

(b) Neither Anderson nor Mills include three adjacent alphanumeric keyboard keys with forward and reverse shuttling functions placed around a pause function.

The examiner disagrees for the following reasons:

Per (a), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., easily operate the TRIM and MARK functions with different hands) are not recited in the rejected claim(s)). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, "easily operate" is a relative term and is a mental step, which is a non-statutory step. A non-statutory step is not manipulative, i.e. lacking a concrete result, and is, therefore, indefinite. Furthermore, a mental step cannot serve to define over the prior art and treatment of the claims requires that a human make a mental determination on a standard that is subjective.

Per (b), Anderson and Mills teach three keys with forward, reverse and pause functions situated adjacent to one another wherein Anderson and Mills' adjacent is consistent with the definition of adjacent as being "close to or lying near" (Anderson: pages 68-69; Mills: figs. 2-3).

Inquires

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
March 17, 2005

Kristine Kincaid
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